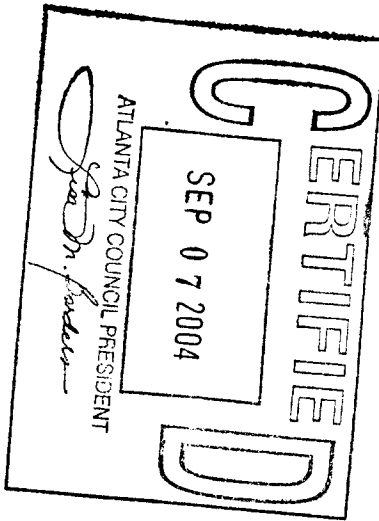


Entered - 07/27/04 - sb  
CL04L0465 - DIANNE C. MITCHELL

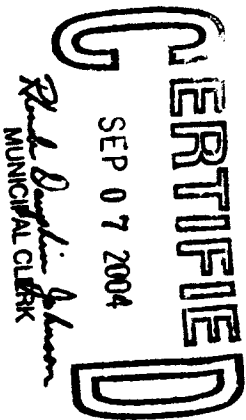


CLAIM OF: **ARKIA EARLY**, a minor,  
through her attorney,  
**Scott T. Bushnell**  
**1536 Dunwoody Village Parkway**  
**Suite 170**  
**Atlanta, Georgia 30338**

**04-R -1545**

For damages alleged to have been sustained as a result of a  
vehicular accident on February 2, 2004 at 902 Boulevard,  
SE.

THIS ADVERSED REPORT IS APPROVED



BY:

  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

**ADVERSED BY**  
**CITY COUNCIL**

**SEP 07 2004**

## **ADVERSE REPORT**

**PUBLIC SAFETY &**

**LEGAL ADMINISTRATION COMMITTEE**

DATE: 8/31/04

CHAIR: H. L. Smith

Joyce M. Shepherd

Alouise H. Woodward

C. T. Martin

H. L. Smith

Carla Smith

W. L. Martin

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0465

Date: August 2, 2004

Claimant/Victim ARKIA EARLY, a minor  
BY: (Atty.) Scott T. Bushnell  
Address: 1536 Dunwoody Village Parkway, Suite 170, Atlanta, Georgia 30338  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated  
Date of Notice: 07/22/04 Method: Written, proper X Improper       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 02/02/04 Place: 902 Boulevard, SE  
Department      Division:       
Employee involved      Disciplinary Action:     

**NATURE OF CLAIM:** The claimant alleges she was injured in a vehicular accident with a vehicle owned by the Atlanta Board of Education. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue this matter directly with the Atlanta Board of Education.

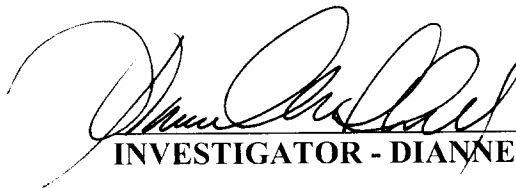
### INVESTIGATION:

Statements: City employee      Claimant      Others      Written      Oral       
Pictures      Diagrams      Reports: Police X Dept Report      Other       
Traffic citations issued: City Driver      Claimant Driver       
Citation disposition: City Driver      Claimant Driver     

### BASIS OF RECOMMENDATION:

Function: Governmental      Ministerial       
Improper Notice      More than Six Months      Other      Damages reasonable       
City not involved X Offer rejected      Compromise settlement       
Repair/replacement by Ins. Co.      Repair/replacement by City Forces       
Claimant Negligent      City Negligent      Joint      Claim Abandoned     

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01      2P01       
Claims Manager:      Concur/date 08/18/04  
Committee Action:      Council Action

**SCOTT T. BUSHNELL**

Attorney at Law  
1536 Dunwoody Village Parkway  
Suite 170  
Atlanta, GA 30338  
Phone: 404-869-1201  
Fax: 404-365-0125

July 21, 2004

Linda DiSantis, Esq.  
City of Atlanta Law Dept.  
68 Mitchell St., Suite 4100  
Atlanta, GA 3303

**ENTERED - 7-26-04 - SB**  
**04L0465 - DIANNE MITCHELL**

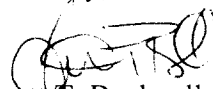
Re: My Client: Arkia Early (Minor)  
Your Insured: Evelyn Dennis  
Policy No: 110287215  
DOL: 2/2/04

Dear Ms. DiSantis:

This letter serves to provide you with the notice that my client was injured in motor vehicle collision while a passenger in a bus belonging to, and being operated by, the City of Atlanta on February 2, 2004. The police report, a copy of which is attached for your convenience, shows that your employee/driver was negligent in that she made an improper left turn. My client suffered injuries to her neck and back in the collision and her parents have incurred medical expenses for treatment of her injuries. I anticipate forwarding a demand of settlement in this matter shortly.

This notice is provided pursuant to **O.C.G.A. Sec. 36-33-5**. I am sending notice of this accident to the Mayor and the President of the City Council as well.

Sincerely,

  
Scott T. Bushnell  
Attorney at Law

Enclosure

**RECEIVED**

CITY OF ATLANTA LAW DEPT.

*LD* *Marked*  
*07/23/04*  
*JD*  
*SM*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

September 14, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Scott T. Bushnell  
Attorney at Law  
1536 Dunwoody Village Parkway  
Suite 170  
Atlanta, GA 30338

04-R-1545

RE: Arkia Early, a minor

Dear Attorney Bushnell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 07, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department